

RESOLUTION NUMBER R- 314640

DATE OF FINAL PASSAGE MAR 13 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
DAVID AND NORA THOMPSON AND THE CITY OF SAN
DIEGO.

WHEREAS, on December 13, 2019, David Alan Thompson, M.D. and Nora B. Thompson, as Trustees of the Thompson Family Trust, filed a cross-complaint against the City of San Diego alleging damages arising from a December 6, 2018 rain event at their property located at 4275 48th Street, in the City of San Diego. The underlying lawsuit is captioned *Israel Clark, et al. v. David Alan Thompson, M.D., et al.*, San Diego Superior Court Case Number 37-2019-00023333-CU-OR-CTL; and

WHEREAS, in Closed Session on December 6, 2022, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 5, 6, 7, 8, and 9; Nays, none; and absent, 4, approved the Settlement for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

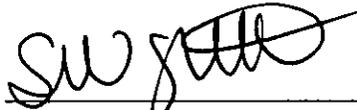
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$335,000 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City, its agents and employees, arising from David Alan Thompson and Nora B. Thompson's damages alleged in their cross-complaint in the underlying lawsuit entitled *Israel Clark, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2019-00023333-CU-OR-CTL.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed

\$335,000 from Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

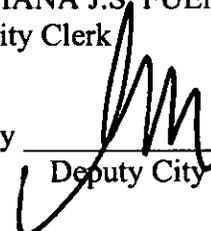
By 

Sarah A. Wigdor-Roberts
Deputy City Attorney

SAW:mgm
December 12, 2022
March 7, 2023 COR. COPY
Or.Dept: City Attorney
CC No. 3000015527
Doc. No. 3162509

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2023.

DIANA J.S. FUENTES
City Clerk

By 

Deputy City Clerk

Approved: 3/13/23

(date)



TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000015527
DEPT. NO. 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$335,000.00

Purpose: Settlement of Israel Clark et al. v. David Thompson, et al.: San Diego Superior Court No. 37-2019-00023333-CU-OR-CTL, Claim No. 21573

Date: February 12, 2023 By: Christopher Purcell *Christopher Purcell*
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045			OTHR-00000000-GG	512007	1515	1515000011		\$335,000.00
TOTAL AMOUNT									\$335,000.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

Passed by the Council of The City of San Diego on MAR 07 2023, by the following vote:

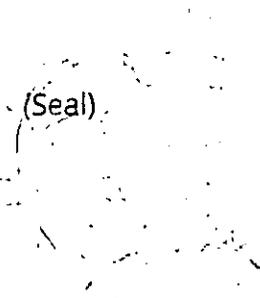
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 13 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.



DIANA J.S. FUENTES
Interim City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California

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